

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ARIEL UMARA,

Plaintiff,

vs.

**Case No.: 2:12-cv-1119
JUDGE GEORGE C. SMITH
Magistrate Judge King**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

On November 12, 2013, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the decision of the Commissioner be affirmed and that this action be dismissed. (*Report and Recommendation*, Doc. No. 24). This matter is now before the Court on Plaintiff's Objections to that *Report and Recommendation*. (*Objection*, Doc. No. 25). The Court will consider the matter *de novo*. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

The objections present, once again, the issues presented to and considered by the Magistrate Judge in the *Report and Recommendation*. Specifically, Plaintiff objects to the Administrative Law Judge's failure to delay the hearing until after Plaintiff's neurologist's appointment. As the Magistrate Judge acknowledged, Plaintiff has failed to offer any explanation as to why he waited so long to schedule the recommended neurological consultation. It was Plaintiff's burden to establish disability. For the reasons stated in the *Report and Recommendation*, this Court finds that the objections are without merit.

The *Report and Recommendation*, Doc. No. 24, is **ADOPTED** and **AFFIRMED**.

Plaintiff's Objections are hereby overruled. The Clerk is instructed to enter final judgment in favor of the Defendant Commissioner of Social Security.

The Clerk shall remove Document 24 from the Court's pending motions list.

The Clerk shall remove this case from the Court's pending cases list.

IT IS SO ORDERED.

/s/ George C. Smith

GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT